

December 19, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: **WRITTEN EX PARTE PRESENTATION**
ET Docket Nos. 06-135, 05-213, 03-92

Dear Ms. Dortch:

ON Semiconductor Corporation ("ON Semi"), by its attorneys, hereby responds to written ex parte presentations submitted by Medtronic Inc. ("Medtronic")¹ and Zarlink Semiconductor Inc. ("Zarlink").² In short, these ex parte presentations largely repeat misunderstandings of On Semi's proposal, the deployment status of wireless hearing aids in Europe, and ongoing efforts by the European Telecommunications Standards Institute ("ETSI").

First, Medtronic and Zarlink claim that permitting wireless hearing aid deployment over 300 kHz in the upper wing band of the proposed MedRadio ("MEDS") band (405-406 MHz)³ would effectively result in a *de facto* allocation of that spectrum for wireless hearing aids.⁴ Both parties claim that constant operation of wireless hearing aids at -16 dBm with a 100% duty cycle would preclude use of the band by other devices. This is incorrect for the following reasons:

¹ See Letter from David E. Hilliard, Counsel for Medtronic, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 & RM-11271 (Oct. 21, 2008) ("Medtronic Letter"); see also Letter from John W. Kuzin, Counsel for Medtronic, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 & RM-11271 (Nov. 20, 2008) (Medtronic Nov. 20th Letter"); Letter from John W. Kuzin, Counsel for Medtronic, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 & RM-11271 (Nov. 26, 2008) (Medtronic Nov. 26th Letter"); Letter from John W. Kuzin, Counsel for Medtronic, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 & RM-11271 (Dec. 2, 2008) (Medtronic Dec. 2nd Letter"); Letter from John W. Kuzin, Counsel for Medtronic, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 & RM-11271 (Dec. 11, 2008) (Medtronic Dec. 11th Letter").

² Written Ex Parte Presentation by Zarlink Semiconductor Inc., ET Docket No. 06-135 & RM-11271 (Oct. 24, 2008) ("Zarlink Ex Parte").

³ See Letter from Robert G. Kirk, Counsel for ON Semiconductor Corporation to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 (Sept. 18, 2008); Letter from Robert G. Kirk, Counsel for ON Semiconductor Corporation to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 (May 1, 2008); Letter from Bryan N. Tramont and Robert G. Kirk, Counsel for AMIS, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 06-135 (Feb. 7, 2008).

⁴ Medtronic Letter at 1; Zarlink Ex Parte at 1.

- Ear-to-ear transmissions between wireless hearing aids (with a 100% duty cycle) will only emit -41 dBm. The wireless hearing aid antennas designed for this application are not capable of transmitting at -16 dBm;⁵ and
- Wireless hearing aids, under the ON Semi proposal, would be limited to a single 300kHz wide channel (comprised of 3 aggregated 100kHz channels) and precluded from the remaining 1.7 MHz of MedRadio spectrum. The 300 kHz available to hearing aids under ON Semi's approach would be shared with all other MEDS devices; it would not be set aside for wireless hearing aid devices.

Second, Medtronic and Zarlink challenge ON Semi's assertion that the deployment of wireless hearing aids at 404.2 MHz has been authorized in 13 European countries.⁶ ON Semi stands by its assertion. In fact, Hearing Aid Manufacturer GN Resound, under its brand Interton, is already marketing wireless hearing aids that operate on this frequency in Europe pursuant to approval received under the Notified Body procedure which required the devices to be tested against the norm EN 300 220 before receiving a certificate of conformity.⁷

Third, Medtronic continues to be misinformed regarding ETSI efforts.⁸ There are multiple task groups within ETSI, and Task Group 17 is now evaluating a new standard that would permit wireless hearing aid deployment in the 405-406 MHz band. In coordination with Task Group 17, the European Hearing Instrument Manufacturers Association is preparing a System Reference Document that will be delivered at the next ERM meeting scheduled for January 2009.

If you have any questions, please contact the undersigned.

Respectfully submitted,

/s/Robert G. Kirk
Robert G. Kirk

⁵ Ancillary applications that do not require a 100% duty cycle, such as wireless fitting and remote control applications, will require up to -16 dBm.

⁶ Medtronic Letter at 2; Zarlink Ex Parte at 2-4.

⁷ Pursuant to Directive 89/106/EEC of the Council of European Communities of 21 December 1988, manufacturers can market devices that receive a Declaration of Conformity. To obtain such a declaration, proof that the item meets the relevant requirements must be documented. Once a Declaration of Conformity is obtained for a device, it can be marketed in European Union member companies pursuant to a notification procedure. A copy of Interton's Declaration of Conformity (issued by Phoenix Testlab) and its product brochure are attached. See Attachment A.

⁸ Medtronic Letter at 2 (claiming that "ETSI work on wireless hearing aids is proceeding *without* a New Work item focused on the 401-406 MHz band") (emphasis in original).

WILKINSON) BARKER) KNAUER) LLP
Marlene H. Dortch
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cc: Erika E. Olsen
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Bruce Romano
Mark Settle
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ATTACHMENT A

Expertise

Expert Opinion of the Notified Body on the Conformity Assessment
according to Article 10.5 of R&TTE Directive 1999/5/EC

PHOENIX TESTLAB
EU Identification Number **0700**



BNetzA-bS-02/51-55/1

Expertise No.	08-111785
Certificate Holder	Interton A/S
Address	Lautrupbjerg 9 DK-2750 Ballerup Denmark
Product Description	Hearing Aid
Brand Name / Model Name	Interton / Relay
Frequency Range	404.2 MHz
Transmitted Power	-42.5 dBm ERP

Opinion on the Essential Requirements

Article 3.1a): Health and Safety **NOT ASSESSED**

Article 3.1b): Electromagnetic Compatibility **No remarks**

Article 3.2: Effective Use of the Radio Spectrum **No remarks**

CE-marking

Marking Example (Class 2) **CE 0700 !**

This certificate is issued in accordance with the Directive 1999/5/EC of the European Parliament and the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity dated 9th March 1999 and is only valid in conjunction with the following annex (2 pages)

Blomberg, 24 July 2008

Place, Date of Issue



Seal



Signed by Holger Bentje
Notified Body

Technical Construction File (TCF):

Description

User Manual: IT BDA ITE BTE D Inh, IT BDA ITE BTE D Ums
Operational Description 20080227_INT CROS functionality

Manufacturing Documents

Block Diagram: 3dmc00BD00 - Block-Diagram VersB
Circuit Diagram: 3dmc00CD00 - Circuit-Diagram Vers C
Parts Placement: 3dmcaml102 - Q-Marconi L1 Ind2
3dmcaml402 - Q-Marconi L4 Ind2
PCB-Layout: 3dmc-am-la-02 - Layout Vers1 Ind2
3dmc-an-la-00 - Layout Ant-print Ind0
3dmc-sw-la-01 - Layout Schalterprint Ind1
Parts List: Stückliste Quantum Wireless
Hardware Version: --
Software Version: --

Applied Standards and Test Reports

Specification	Laboratory	Test Report Number
EN 300 220-2 V2.1.1	m. dudde	08004625
EN 301 489-3 V1.4.1	m. dudde	08004626

Further Documents

EG-Konformitätserklärung, 14 March 2008



Opinion on the Essential Requirements:

The basis of this Expertise is the Technical Construction File (TCF). If the TCF includes test reports issued by laboratories accredited to the standard ISO/IEC 17025, the test results of these reports are considered as a basis for the conformity assessment of the Notified Body.

Article 3.1a): Health and Safety:

- NOT ASSESSED

Article 3.1b): Electromagnetic Compatibility:

- Conform

Article 3.2: Effective Use of the Radio Spectrum:

- Conform

Remark

Before putting a product on the market which uses non harmonised frequencies (Class 2) the national authorities of the member states have to be notified.



BTE Relay

Technical Datasheet



For your CROS and BiCROS fitting needs, Relay represents the most effective and easiest solution. For your customer, Relay represents the most attractive and most comfortable CROS device available. Relay is the most technically advanced and most dedicated device in the CROS fitting segment. Its uniqueness is not only based on its undersized stand alone concept without any external adapters or transmitters. Using interference-free Digital Wireless Transmission, Interton is one of the first companies in the world to introduce this technology for CROS systems.

Swift Compression

Swift compression simulates the filter characteristics of the auditory system. Swift filter bands widen logarithmically with frequency in the same way that human auditory filters do, a characteristic that is designed to provide the most natural listening experience.

Sound Field Input Control

This unique software feature displays the signal level entering the hearing aid microphone. It allows test signal levels to be adjusted appropriately before sound field testing is performed.

Background and Mic. noise reduction

Both background and microphone noise are automatically and selectively reduced, depending on the listening environment.

Datalogging

The datalogging feature keeps track of the most important aspects of the client's hearing aid use. Datalogging monitors overall time of use, time spent in each memory and volume control position. This information can be used to fine tune the aid and for counseling clients.

Feedback Prewarning

During the fitting, a message is displayed that indicates when gain is approaching an unstable level.

Standard Features

- 12 independently working frequency bands
- Up to 2 memories (programmable as either CROS, BiCROS or Monaural), selectable via toggle switch
- Adaptive Feedback Cancellation
- Audible selection tones + low battery warning; programmable in both frequency and intensity
- Programmable t-coil
- Thin tube fitting optional
- Transmission distance: 11" (30 cm)
- Transmission frequency of 405 MHz
- Transmission power: 0,001 mW
- Mixing ratio for BiCROS is adjustable via CompuFit
- Volume control and memory switch (1-2-0)

Software

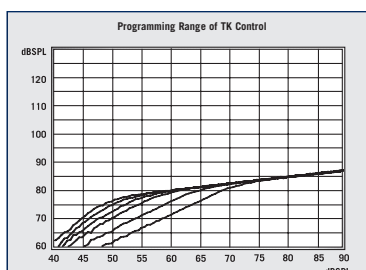
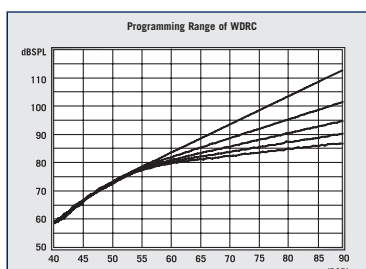
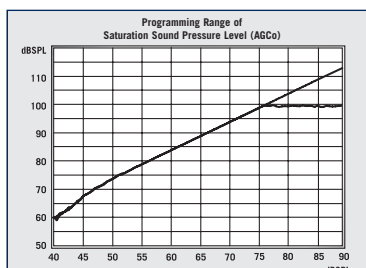
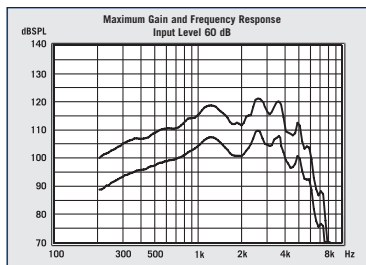
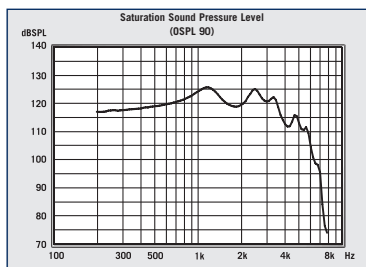
- NOAH or Standalone
- CompuFit 4.4

Colours

beige, gray, steelgray, brown/steelgray

Fitting range

open
tulip dome
standard



Electroacoustic performance

Relay

	IEC 118-7		IEC 118-0		ANSI S3.22	
	Standard	Open	Standard	Open	Standard	Open
Acoustic gain at 1600 Hz (dB) (IEC) Peak value (dB)	53 61	41 53	62 70	49 63	- 61	- 53
Saturation sound pressure level SSPL at 1600 Hz (dB) (IEC) Peak value (dB SPL)	119 124	110 120	126 132	118 128	- 124	- 120
ANSI-HFA Acoustic gain (dB) Saturation sound pressure level (dB SPL)	- -	- -	- -	- -	55 122	45 112
Low-frequency limit (Hz) High-frequency limit (Hz)	200 6000		200 6000		200 6000	
Sensitivity of induction coil at 1600 Hz and 1 mA/m (dB) HFA SPLITS (dB) RSETS (dB)	84 - -		90 - -		- 95 1	
Harmonic Distortion (THD) at 500 Hz (%) at 800 Hz (%) at 1600 Hz (%)	1 1 1		1 1 1		1 1 1	
Equivalent input noise (dB)	16	27	16	24	14	22
Power consumption (mA)	2.90		2.90		2.90	
Battery type	13		13		13	

Technical specifications

Signal processor	12 channel swift filter (WDRC) with psycho-acoustic band width
DSP clock speed	5,12 MHz
Sampling rate	16 kHz
Signal transmission	Resolution 16 bit
AGCi	Independently programmable in low, mid and high frequency channels
Compression ratio CR	Adjustable via gain for soft & loud sounds independently
Attack time AC / Release time RC	Channel dependent
Threshold	45 to 66 dB, in 3 dB steps
AGCo	Broadband AGCo from 0 to -21 dB SPL in 3 dB steps
Adaptive Noise reduction	Off/On with fixed presets in various frequency ranges
Microphone Noise Reduction	Off/On with fixed presets in various frequency ranges
Adaptive Feedback Manager (AFM)	Cancellation up to 18 dB additional gain possible; automatically detects and removes feedback
Volume control can be deactivated in software Gain reserve	+/-3 dB; +/-6 dB; +/-10 dB

ITE

Relay CM

Technical Datasheet

For your CROS and BiCROS fitting needs, Relay represents the most effective and easiest solution. For your customer, Relay represents the most attractive and most comfortable CROS device available. Relay is the most technically advanced and most dedicated device in the CROS fitting segment. Its uniqueness is not only based on its stand alone concept making Relay available in an ITE shell. Using interference-free Digital Wireless Transmission, Interton is one of the first companies in the world to introduce this technology for CROS systems.

Transmitter

Receiver

Swift Compression

Swift compression simulates the filter characteristics of the auditory system. Swift filter bands widen logarithmically with frequency in the same way that human auditory filters do, a characteristic that is designed to provide the most natural listening experience.

Sound Field Input Control

This unique software feature displays the signal level entering the hearing aid microphone. It allows test signal levels to be adjusted appropriately before sound field testing is performed.

Background and Mic. noise reduction

Both background and microphone noise are automatically and selectively reduced, depending on the listening environment.

Datalogging

The datalogging feature keeps track of the most important aspects of the client's hearing aid use. Datalogging monitors overall time of use, time spent in each memory and volume control position. This information can be used to fine tune the aid and for counseling clients.

Feedback Prewarning

During the fitting, a message is displayed that indicates when gain is approaching an unstable level.

Standby Mode

Rather than an on/off switch, standby mode (incl. audible melody) pauses device operation, thus conserving battery life. Standby mode is de-/activated by pressing and holding the memory button for 3 seconds.

Standard Features

- 12 independently working frequency bands
- Up to 3 memories (can be programmed as either CROS or BiCROS), selectable via push button
- Adaptive Feedback Cancellation
- Audible selection tones + low battery warning; programmable in both frequency and intensity
- Programmable t-coil
- Transmission distance: 11" (30 cm)
- Transmission frequency of 405 MHz
- Transmission power: 0,001 mW
- Mixing ratio for BiCROS is adjustable via CompuFit
- Volume control

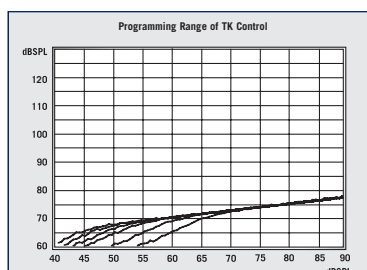
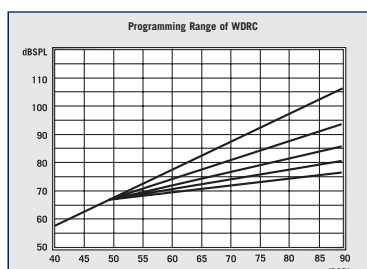
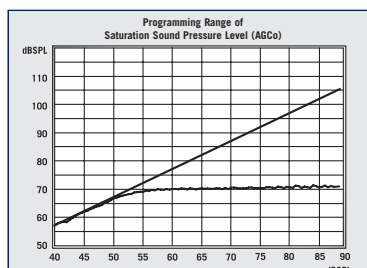
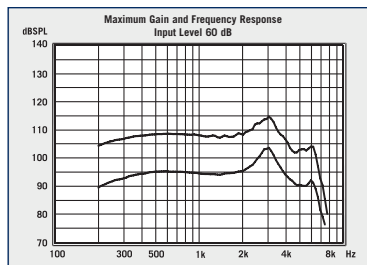
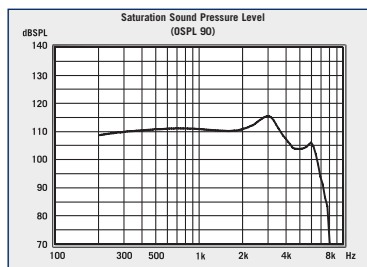
Software

- NOAH or Standalone
- CompuFit 4.4

Colours

Standard pink

Fitting range



Electroacoustic performance

Relay CM

	IEC 118-7	IEC 118-0	ANSI S3.22
Acoustic gain at 1600 Hz (dB) Peak value (dB)	46 54	54 64	- 54
Saturation sound pressure level SSPL at 1600 Hz (dB SPL) Peak value (dB SPL)	110 115	117 124	- 115
ANSI-HFA Acoustic gain (dB) Saturation sound pressure level (dB SPL)	- -	- -	47 110
Low-frequency limit (Hz) High-frequency limit (Hz)	200 7100	200 7500	200 7300
Sensitivity of induction coil at 1600 Hz and 1 mA/m (dB) HFA SPLITS (dB) RSETS (dB)	79 - -	86 - -	- 85 -6
Harmonic Distortion (THD) at 500 Hz (%) at 800 Hz (%) at 1600 Hz (%)	1 1 1	1 1 2	1 1 1
Equivalent input noise (dB) (w/o MNR)	19 (31)	19 (31)	17 (29)
Power consumption (mA)	2.90	2.90	2.90
Battery type	312/13	312/13	312/13

Technical specifications

Signal processor	12 channel swift filter (WDRC) with psycho-acoustic band width
DSP clock speed	5,12 MHz
Sampling rate	16 kHz
Signal transmission	Resolution 16 bit
AGCi	Independently programmable in low, mid and high frequency channels
Compression ratio CR	Adjustable via gain for soft & loud sounds independently
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Volume control can be deactivated in software Gain reserve	+/-3 dB; +/-6 dB; +/-10 dB

LIVE LIFE FROM BOTH SIDES

DIGITAL WIRELESS CROS



ADAPTER FREE
all-in-two CROS solution

) RELAY (

PROFESSIONAL INFORMATION

BRIDGING THE GAP

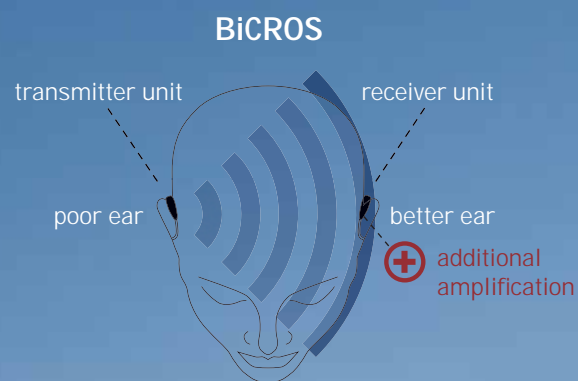
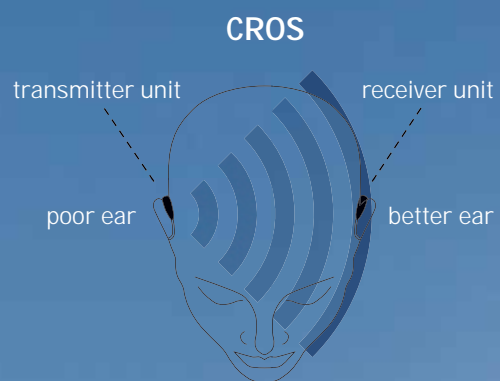
Patients with single-sided deafness (or unilateral hearing) face real challenges in a variety of everyday situations. Decreased awareness and audibility of sound from the deaf side results in an inability to determine the direction of sounds. This can be critical, for example, in a traffic situation when crossing a road.¹

Similarly, single-sided deafness will impair ability of separating background noise from target sound in a crowded environment. At a social gathering, for example, people suffering from unilateral hearing will be at a significant disadvantage when the signal – typically speech – originates from the side of the poor ear.

CROS devices (respectively BiCROS for patients who need additional amplification on the better ear) pick up the sound arriving at one side of the head and feed it to the opposite ear. This allows the individual to receive sounds from both sides of the head in the “good” ear.

¹ Dillon, Harvey: Hearing Aids, New York Stuttgart: Thieme 2001, S. 434 - 440

Indication for CROS and BiCROS



- **Poorer ear:**
 - Deafness
 - No results from a hearing aid fitting
 - Medical contraindication

- **Better ear:**
 - Normal hearing

- **Poorer ear:**
 - Deafness
 - No results from a hearing aid fitting
 - Medical contraindication

- **Better ear:**
 - Hearing loss



DIGITAL WIRELESS FREEDOM

RELAY is a completely digital wireless system, comfortable and easy to handle for patients and professionals alike.

- The one adapter-free CROS system
- Only digital wireless transmission CROS system
- Interference-free
- Advanced digital sound processing

Until now, unattractive and uncomfortable CROS and BiCROS systems, relying on wires, were the only viable fitting solutions. Why? Because conventional wireless systems use analogue modulation, which pick up disturbing interference from electromagnetic fields and radio stations. What's more, analogue modulation has low transmission range and high noise.²

RELAY introduces wireless, digital modulation and transmission technology comparable to WLAN, GSM and Bluetooth standards.

RELAY's low noise, interference-free performance and long transmission range (25-30 cm) provides superb hearing experience and newfound balance in life.

² Hayes, D. et al: Advantages of DSP instruments for wireless CROS fittings. The Hearing Journal (2005). Vol. 58. No. 3



For form factor overview and colours, check page 11.



ONE SYSTEM, PERFECTLY FIT

When it comes to CROS systems, RELAY is the most user-friendly and straightforward choice available.

- Thanks to its built-in antenna, RELAY's all-in-one concept makes external adapters unnecessary.
- The CompuFit fitting software puts specifically dedicated tools for fitting and fine-tuning of the wireless system at your fingertips.

Up to three different comfort programs are available to meet the specific need of each RELAY user.

Flexible transmission and amplification options:

CROS: for (nearly) normal hearing in the better ear

BiCROS: if amplification in the better ear is required

Monaural: if the wireless function needs to be switched off, thus turning the receiver unit into a conventional high-performance digital hearing aid



To create perfect balance, "Tx Gain" in BiCROS mode allows fine tuning of gain on the transmitter side relative to the receiver side of up to +/- 10 dB. Thus the transmitter side can be set to be up to 10 dB louder (+) or 10 dB softer (-) than the receiver side.



LET YOUR CLIENTS HEAR THE
OTHER SIDE!



FEATURES. ADVANTAGES. BENEFITS.

Sound processing Feature Advantage		Benefit
Swift Compression	Logarithmically separated frequency bands imitate human hearing	More natural sound quality
Background Noise Reduction	"Set it and forget it" noise reduction: Noise reduction levels adapt to the listening environment	Provides for more comfort and ease of listening in all environments
Microphone Noise reduction	Frequency-specific microphone noise reduction	Easy, relaxed listening; clearer sound in quiet situations
Adaptive Feedback Manager	Feedback is cancelled on detection	Less likelihood of feedback for relaxed listening
Standby Mode (ITE only)	Instruments can be switched on/off by pressing the button for 3 seconds	Easy on/off switch, battery stays safe in battery compartment
Digital Transmission	Completely interference free	Customers can enjoy sounds in all environments
Hardware Feature Advantage		Benefit
Adapter free Design	All you need in one device	Simple set up and easy-to-use
Adapter free Design	Most attractive solution due to smaller total size	Cosmetically most appealing CROS fitting solution
Switch (BTE) or push button (ITE)	Easy control of programs	Perceptible control of program position; more programs for individual setting given
Volume Control (BTE & ITE)	Adjustable output volume	Customer has individual control of overall loudness
Fitting Feature Advantage		Benefit
Digital Transmission	Interference-free fitting even in online mode with all commercial interface solutions (Hi-Pro, USB Hi-Pro, NOAHlink)	Faster and easier to fit
Feedback Prewarning	A real life measurement displays a warning during the fitting when feedback is likely to occur	Easy-to-use tool for optimized, feedback free fitting results
Sound Field Input Control	Detects the signal level entering the hearing aid microphone and displays it in the software (individual for left and right).	Speech and real ear testing levels are visualized clearly and support fine tuning and balancing more precisely.
Balance between devices	Individual adjustment according to customer needs possible	Well balanced output between both devices
Data Logging	Device keeps track of used patterns	Greatly enhances fine tuning and counseling opportunities for more accurate individual hearing solutions
All-in-one solution (CROS, BiCROS and monaural fitting)	Individual set up possible within one product	More flexibility given; Less stock of different devices/types needed
Fitting Options (open, tulip, closed)	All configurations possible with one device	Wider range of customer needs can be covered



TECHNICAL DATA

	BTE	BTE - open fit	ITE
Technical data	Values according to IEC 118-7 / ANSI S3.22	Values according to IEC 118-7 / ANSI S3.22	Values according to IEC 118-7 / ANSI S3.22
Acoustic Gain (1600Hz/HFA)	53/55 dB	41/45 dB	46/47 dB
Saturation Sound Pressure Level (Peak Value/HFA)	124/122 dB	120/112 dB	115/110 dB
Equivalent Input Noise	16/14 dB	27/22 dB	19/17 dB
Frequency Range	200 - 6000 Hz	200 - 6000 Hz	200 - 7100/7300 Hz
Open Fitting	✓	✓	✓
Swift Compressor	✓	✓	✓
Sound Field Input Control	✓	✓	✓
Background-, Microphone Noise Reduction	✓	✓	✓
Data Logging	✓	✓	✓
Feedback Prewarning + Adaptive Feedback Cancellation	✓	✓	✓
Telecoil	✓	✓	✓
Transmitter / Receiver identification	✓	✓	–
Mobile Phone Interference Protection	✓	✓	✓
Audible Tones for Battery Warning, Program Change	✓	✓	✓
VC (Volume Control)	✓	✓	✓
Comfort programs (selectable via a push button or switch)	2	2	3
Battery Size	13	13	13/312
Power Consumption Transmitter unit	2.90 mA	2.90 mA	2.90 mA
Power Consumption Receiver unit	2.90 mA	2.90 mA	2.90 mA
Wireless CROS / Wireless BiCROS	✓	✓	✓
Additional Adapter	Not needed	Not needed	Not needed
Transmission Type	digital	digital	digital

FAQ (FREQUENTLY ASKED QUESTIONS)

Question:

Some of my customers rejected a wireless CROS fitting because of disturbing noise floor: does RELAY address this concern?

Answer:

Yes. The reason for the high noise floor in traditional wireless systems lies in analogue transmission. RELAY uses digital modulation, providing a noise-free, comfortable sound.

Question:

And what about interferences from radio stations, mobile phones and other electromagnetic fields?

Answer:

Digital modulation provides for fail-safe transmission, similar to WLAN and GSM technologies. There are no interference or compatibility issues.

Question:

Can RELAY safely be used together with a heart pacemaker?

Answer:

YES, RELAY radiates less than 25µW being only about 0,00005 times as strong as a conventional cellular phone. Its transmission frequency complies with applicable medical devices regulations.

Solutions available:



Colours available:



CROS OVER



Customer contact

Interton Electronic Hörgeräte GmbH | Am Dännekamp 15
D-51469 Bergisch Gladbach | Germany
Tel.: +49 2202 95 26 31

Worldwide headquarters

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DK-2750 Ballerup | Denmark
Tel.: +45 45 75 1111 | Fax: +45 45 75 1119 | www.interton.com